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10/822,342	04/12/2004	Tomoyuki Shimizu	CANO:134	3120
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ROSSI, KIMMS & McDOWELL LLP.			EXAMINER	
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ASHBURN, VA 20146-0826				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,342

Applicant(s)

SHIMIZU ET AL.

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Objections

1. Claims 1, 3 – 8, 10 and 12 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 July 2007 has been entered.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 3 – 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,633,910 to Rajan et al. [hereinafter Rajan, previously cited] in view of U.S. Patent Application Publication No. 2004/0189696 to Shirriff.

7. As to claim 1, Rajan teaches the invention substantially as claimed including a method of notifying updates [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35] of a plurality of stored data [Data stored in aggregation; col. 8, lines 25 – 34], comprising:

an update detecting step of detecting update of data [T 79 may be set to near or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38] from the plurality of stored data [Any new data found in source sites that does not match a last input template used at the source site is regarded as new data or a change in data; col. 14, lines 18 – 55];

an update content extracting step of extracting an update from the update data [a filter for the data/metadata that is collected by the gathering subsystem (GSS); col. 17, lines 28 – 40];

a notification content storing step of storing a notification content [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] having the update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49];

an outputting step of outputting the notification content at predetermined times [T function 79 tells GSS 77 how often it must check for data changes at included data sources, col. 16, lines 7 – 56 of Rajan; user may enter specific criteria needed to trigger a notification with respect to any included data source, data, change in data, or condition met with respect to aggregated data over any number of sources. As an example, a user may wish to be notified if his/her net worth falls below a certain amount, or if a particular stock price is falling at a pre-specified rate; col. 16, lines 7 – 56].

Although Rajan teaches the invention substantially, Rajan does not specifically disclose extracting a difference between the data before and after the update, accumulating a notification content having at least one update contents of the data and the update contents extracted between the immediately preceding output timing and the present output timing are sequentially added to the notification content.

However, Shirriff teaches discloses a web site monitoring system [p. 2, paragraph 0016], an update content extracting [data collection module 360 may extract

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content; p. 4, paragraph 0053] step of extracting a difference [stores summary pages of updated content from the user specified web sites that the data collection module 360 accesses; p. 4, paragraph 0054] between the data before and after the update [compare engine 350 is coupled to the data collection module 360 to compare content currently retrieved from the monitored web sites by the data collection module 360 with the last retrieved content from these web sites to determine whether there has been a change in the content; p. 4, paragraph 0055], a notification content accumulating step of accumulating a notification content having at least one update contents of the data [summary file module 370 stores summary pages of updated content from the user specified web sites; p. 4, paragraph 0054], wherein the update contents extracted between the immediately preceding output timing and the present output timing [compare engine 350 to compare any new incoming content from its latest search with the last content retrieved from the specified web sites to determine if there has been any change in the content; p. 5, paragraph 0063] are sequentially added to the notification content [summary pages stored in the summary file module 370 are collated with the contents of the history file module 340; p., paragraph 0054].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Rajan to incorporate the features of extracting a difference between the data before and after the update, accumulating a notification content having at least one update contents of the data and the update contents extracted between the immediately preceding output timing and the present output timing are sequentially added to the notification content. One would have been

motivated to combine the teachings of Rajan and Shirriff because this allows updated and continuous content selection to be automatically delivered to users of web sites [pp. 1 – 2, paragraph 0014 of Shirriff] and provides page monitoring capabilities to monitor pages accessed by the user and uses this information to modify both pages tracked and displayed to the user [p. 2, paragraph 0016 of Shirriff].

8. As to claim 10, Rajan as modified teaches an update notifying apparatus [notification system; col. 11, lines 52 – 63 and col. 15, lines 25 – 35 of Rajan] that is adapted to update a plurality of stored data [Data stored in aggregation; col. 8, lines 25 – 34 of Rajan], comprising:

an updated detecting device that is adapted to detect update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38 of Rajan] from the plurality of stored data [Any new data found in source sites that does not match a last input template used at the source site is regarded as new data or a change in data; col. 14, lines 18 – 55 of Rajan];

an update content [col. 17, lines 28 – 40 of Rajan] extracting device that is adapted to extract [p. 4, paragraph 0053 of Shirriff] a difference [p. 4, paragraph 0054 of Shirriff] between the data before and after the update [compare engine 350 is coupled to the data collection module 360 to compare content currently retrieved from the monitored web sites by the data collection module 360 with the last retrieved content

from these web sites to determine whether there has been a change in the content; p. 4, paragraph 0055 of Shirriff];

a notification content [col. 3, lines 53 – 65 of Rajan] accumulating device that is adapted to accumulate a notification content having at least one update contents of data [summary file module 370 stores summary pages of updated content from the user specified web sites; p. 4, paragraph 0054 of Shirriff]; and

an outputting device that is adapted to output the notification content at predetermined timings [T function 79 tells GSS 77 how often it must check for data changes at included data sources, col. 16, lines 7 – 56 of Rajan; user may enter specific criteria needed to trigger a notification with respect to any included data source, data, change in data, or condition met with respect to aggregated data over any number of sources. As an example, a user may wish to be notified if his/her net worth falls below a certain amount, or if a particular stock price is falling at a pre-specified rate; col. 16, lines 7 – 56 of Rajan];

wherein said notification content accumulating device sequentially adds the update contents [summary pages stored in the summary file module 370 are collated with the contents of the history file module 340; p., paragraph 0054 of Shirriff] extracted between the immediately preceding output timing and the present output timing to the notification content [compare engine 350 to compare any new incoming content from its latest search with the last content retrieved from the specified web sites to determine if there has been any change in the content; p. 5, paragraph 0063 of Shirriff].

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9. As to claim 12, Rajan as modified teaches a computer-readable medium storing a program for causing a computer to execute a method of notifying updates [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35 of Rajan] of a plurality of stored data [Data stored in aggregation; col. 8, lines 25 – 34 of Rajan], comprising:

an update detecting module for detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38 of Rajan] from the plurality of stored data [Any new data found in source sites that does not match a last input template used at the source site is regarded as new data or a change in data; col. 14, lines 18 – 55 of Rajan];

an update content extracting module [col. 17, lines 28 – 40 of Rajan] for extracting [p. 4, paragraph 0053 of Shirriff] a difference [p. 4, paragraph 0054 of Shirriff] between the data before and after the update [compare engine 350 is coupled to the data collection module 360 to compare content currently retrieved from the monitored web sites by the data collection module 360 with the last retrieved content from these web sites to determine whether there has been a change in the content; p. 4, paragraph 0055 of Shirriff];

a notification content [col. 3, lines 53 – 65 of Rajan] accumulating module for accumulating a notification content having at least one update contents of the data [summary file module 370 stores summary pages of updated content from the user specified web sites; p. 4, paragraph 0054 of Shirriff]; and

an outputting module for outputting the notification content at predetermined timings [T function 79 tells GSS 77 how often it must check for data changes at included data sources, col. 16, lines 7 – 56 of Rajan; user may enter specific criteria needed to trigger a notification with respect to any included data source, data, change in data, or condition met with respect to aggregated data over any number of sources. As an example, a user may wish to be notified if his/her net worth falls below a certain amount, or if a particular stock price is falling at a pre-specified rate, col. 16, lines 7 – 56 of Rajan];

wherein the update contents extracted between the immediately preceding output timing and the present output timing [compare engine 350 to compare any new incoming content from its latest search with the last content retrieved from the specified web sites to determine if there has been any change in the content; p. 5, paragraph 0063 of Shirriff] are sequentially added to the notification content [summary pages stored in the summary file module 370 are collated with the contents of the history file module 340; p., paragraph 0054 of Shirriff].

10. As to claim 3, Rajan as modified teaches the outputting step comprises notifying all the update contents [T 79 may be programmed to trigger GSS 77 to check all included data sources according to one frequency; col. 16, lines 23 – 38 of Rajan] stored in the notification content storing step after outputting last time [p. 4, paragraph 0055 of Shirriff].

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11. As to claim 4, Rajan teaches the update content includes at least states before [database 87 for existing data; col. 17, lines 50 – 60] and after update [received data changes from Web-based sources; col. 17, lines 50 – 60] of updated part of the data [col. 16, line 56 – col. 17, line 5 and col. 3, lines 53 – 65].

12. As to claim 5, Rajan teaches the update content extracting step extracts the update content in a case where the update satisfies a predetermined criterion [guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48 and col. 17, lines 28 – 40].

13. As to claim 6, Rajan teaches the predetermined timings in said outputting step are externally designated [user may select a specific frequency (i.e. how often the formula of the request is calculated) for each request entered; col. 16, lines 7 – 39].

14. As to claim 7, Rajan teaches the predetermined timings in said outputting step are scheduled in advance [Data stored in aggregation is forwarded to layer 55 according to a pre-assigned schedule for processing; col. 8, lines 25 – 34 and col. 16, lines 7 – 39].

15. As to claim 8, Rajan as modified teaches an update criterion-setting step of setting an update criterion [Guard 81 is programmed to compare data changes entered

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into database 87 from specified sources to notification criteria entered by a user during configuration; col. 16, lines 36 – 49 of Rajan] to be applied in outputting a notified party of the updated contents [guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48 of Rajan]; wherein in said update content extracting step [guard 81 may be used to mine database 87 for existing data to compare against received data changes from Web-based sources; col. 17, lines 50 – 60 of Rajan] extracts a portion of latest update data satisfying the update criterion set in said update criterion-setting step, as the updated content [If guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48 of Rajan and p. 4, paragraph 0054 – 0055 of Shirriff].

CONTACT INFORMATION

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Li B. Zhen
Examiner
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LBZ



9/25/2007